

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Newport News Division**

OMNI INDEMNITY COMPANY,

Petitioner,

v.

Civil Action No.: 4:21-cv-71

SHARONN T. CANADY,

Respondent.

PETITION FOR DECLARATORY JUDGMENT

COMES NOW, Petitioner Omni Indemnity Company (“Omni”), by counsel, and submits the following Petition for Declaratory Judgment against Respondent Sharonn T. Canady, and in support thereof states as follows:

1. Omni seeks a Declaratory Judgment that Sharonn T. Canady is not covered under Policy No. 8606362 (See Policy Declarations Page attached as **Ex. A.**) (the “Policy”), for an accident that occurred on December 13, 2019 at approximately 7:14 p.m.

PARTIES

2. Sharonn T. Canady is a resident and domiciliary of the Commonwealth of Virginia.

3. Omni Indemnity Company is an Illinois Corporation with its principal office location in the State of Georgia.

JURISDICTION AND VENUE

4. This cause of action arises out of an insurance policy issued to Sharonn T. Canady at her address in the City of Newport News.

5. This Court has jurisdiction pursuant to 28 U.S.C. §1332. Complete diversity exists between the parties, and Omni seeks a declaration of the applicability of an insurance policy containing coverages and benefits in excess of \$75,000.

FACTS

6. On December 13, 2019, Sharron T. Canady was operating a 2003 Toyota Yaris, and was involved in a motor vehicle accident with Randall Osborne, a pedestrian, on Old Oyster Point Road in the City of Newport News, Virginia.

7. The accident occurred at approximately 7:14 p.m.

8. Upon information and belief, Sharron T. Canady was uninsured at the time of this accident.

9. Thereafter, Canady, or an agent acting on her behalf, purchased the Policy to insure the 2003 Toyota Yaris.

10. This transaction occurred at 11:53 p.m. on December 13, 2019—over four-and-a-half hours after the accident.

11. The Policy effective date is 11:53 p.m. on December 13, 2019 (See **Ex. A.**), and the 7:14 p.m. accident is not covered under the Policy.

WHEREFORE, Omni respectfully requests this Court declare Sharron T. Canady's accident is not covered under the Policy, and for such other, further relief as this Court deems just and appropriate.

Respectfully submitted,

By: /s/ J. Matthew Haynes, Jr.

J. Matthew Haynes, Jr. (VSB No.: 51007)

Randolph Critzer, Jr. (VSB No.: 92178)

MCCANDLISH HOLTON

1111 East Main Street, Suite 2100

P.O. Box 796

Richmond, Virginia 23218

(804) 775-3100 Telephone

(804) 775-3800 Facsimile

mhaynes@lawmh.com

rcritzer@lawmh.com

Counsel for Omni Indemnity Company